

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/771,284
Filing Date	02/05/2004
First Named Inventor	Richard Assaker
Art Unit	3731
Confirmation No.	3238
Examiner Name	Eduardo Robert
Attorney Docket Number	64118.000046

Sheet 1 of 1

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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*Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
JCC		WO	94/17744	08-18-1994	Lowery et al.			

OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION
JCC		Denis J. DiAngelo et al., "Cervical Plating Systems Reverse Load Transfer Through Multi-Level Strut-Grafts," North American Congress on Biomechanics, University of Waterloo, Waterloo, Ontario, Canada, 3 pages (August 14-18, 1998).	
		510(k) Summary of Safety and Effectiveness in Accordance with SMDA of 1990 Aesculap ABC Cervical Plating System, U.S. Food and Drug Administration, 6 pages, Submitted December 15, 1997.	
		Peak Fixation System, Polyaxial Cervical Plate, 20 pages, © 1998 DePuy Motech, Inc.	
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Reverses Load Transfer Through Multi-Level Strut-Grafts," Congress of Neurological Surgeons, Seattle Washington 1998.	
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Does Not Prevent Strut Graft Displacement in Multilevel Cervical Corpectomy," Congress of Neurological Surgeons, AANS 1997 Denver.	
JCC		Christopher G. Paramore et al., "Radiographic and Clinical Follow-Up Review of Caspar Plates in 49 Patients," 84 J. Neurosurg. 957-961 (1996).	

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DATE CONSIDERED

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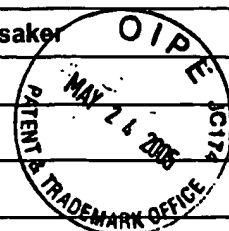
First Named Inventor Richard Assaker

Art Unit 3731

Confirmation No. 3238

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JLC		Order on (1) Cross-Motions for Partial Summary Judgment re: Invalidity of the '602 Patent; (2) Plaintiff's Motion for Partial Summary Judgment re: Infringement of the '602 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).	
JLC		Order on (1) Cross-Motions for Partial Summary Judgment re: Infringement of the '786 Patent; (2) Cross-Motions for Partial Summary Judgment re: Invalidity and Unenforceability of the '786 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).	

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JLC	1	2002/0120273	08-29-2002	Needham et al.	
	2	2004/0158246	08-12-2004	Assaker et al.	
	3	5,486,176	01-23-1996	Hildebrand et al.	
JLC	4	6,306,136	10-23-2001	Bacelli	

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		Country Code:	Number - Kind Code (if known)				YES	NO
JLC	5	WO	95/25474	09-28-1995	Biedermann et al.			
	6	WO	98/52482	11-26-1998	Schlapfer			
	7	WO	99/56653	11-11-1999	Assaker et al.			
	8	WO	01/26566	04-19-2001	Needham et al.			
V	9	FR	2,740,321	10-27-1995	Fuentes		X	
JLC	10	FR	1,505,513	12-15-1967	Benoist		X	

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JLC	11	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.	

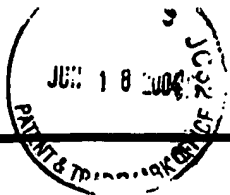
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James C. Lindberg

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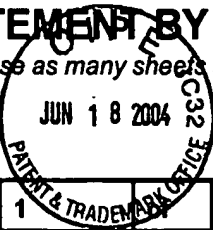
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PLC	1	4,957,496	09-18-1990	Schmidt	
PLC	2	5,129,899	07-14-1992	Small et al.	
PLC	3	5,486,176	10-23-2001	Bacelli	
PLC	4	5,797,911	08-25-1998	Sherman et al.	
PLC	5	6,248,105	06-19-2001	Schlapfer et al.	
PLC	6	6,306,136	01-23-1996	Hildebrand et al.	

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PLC	7	DE	19720782	11-19-1998	Schlapfer			
PLC	8	WO	98/52482	11-26-1998	Lusuardi			

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PLC	7	"Premier™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.	
PLC	8	"Zephir™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.	

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James C. Hildebrand

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PLC	1	RE28,841	06/1976	Allgower et al.	
	2	2,443,363	06-15-1948	Townsend et al.	
	3	3,386,437	06/1968	Treace	
	4	3,659,595	05-02-1972	Haboush	
	5	3,741,205	06/1973	Markolf et al.	
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	11	4,484,570	11-1984	Sutter et al.	
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MC	29	5,180,381	01-1993	Aust et al.	
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	31	5,300,073	04-1994	Ray et al.	
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		Country Code:	Number - Kind Code (if known)				YES	NO
79	CH	373516	01-15-1964	Muller				
80	CH	462375	10-31-1968	Allgower et al.				
81	CH	468824	04-15-1969	Muller				
82	CH	566767	09-30-1975	Spiessl et al.				
83	CH	600862	06-30-1978	Weber				

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✓	84	CH	611147	05-31-1979	Erfinder			
	85	CH	613616	10-15-1979	Jose-Luis Gil			
	86	CH	613858	10-31-1979	Steinemann			
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	101	UK	1153090	05-21-1969				
	102	UK	1601383	10-28-1981				
	103	WO	98/34553	08-13-1998	Michelson			
✓	104	WO	98/34556	08-13-1998	Michelson			
✓	105	WO	99/04718	02-04-1999	Baccelli			

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PLC	106	Cross Medical Products, Inc.'s Reply and Counterclaims to Medtronic's Counterclaims (11/13/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).						
	107	Medtronic's Reply and Counterclaim (12/3/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).						
	108	Blackstone Anterior Cervical Plate Brochure; Blackstone Medical Inc.						
	109	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.						
	110	Casper, "Anterior Cervical Fusion Instrumentation and Trapezial Osteosynthetic Plates," Aesculap; Publication date unknown.						
	111	Codman, "Codman Anterior Cervical Plate System," Publication date unknown.						
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	115	An, Howard S et al., "Spinal Instrumentation," <i>Williams & Williams</i> , 1992, pp. 1-11, 49-60, 167-196, 257-280, 379-411.						
↓	116	Scient'x, "Cervical Plate-Cage Systems," Publication date unknown.						
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	121	Bagby, George W. et al., "An Impacting Bone Plate," from Staff Meetings of the Mayo Clinic, February 6, 1957, 32(3):55-57.		
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